



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

February 27, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Department of Defense Wage Committee

The Office of the Under Secretary of Defense for Personnel and Readiness has requested renewal of the charter for the Department of Defense Wage (Attached).

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR, § 102-3.60, has carefully reviewed the Under Secretary of Defense for Personnel and Readiness' request, and has determined that renewing the charter for this discretionary federal advisory committee is in the best interest of the Department of Defense and the American public.

The Department of Defense has further determined that this discretionary advisory committee is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee can meet these needs. The Committee, through its membership, continues to provide expert advice and recommendations on wage surveys and wage schedules to the Department of Defense.

The make-up of the committee is determined by the Department of Defense, and individuals, appointed by the Secretary of Defense, who are not full-time employees shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. With the exception of travel and per diem for official travel, the Committee members shall serve without compensation.

The Committee is authorized to establish subcommittees, and the committee, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Prior to submitting a Federal Register notice and subsequently filing the committee's charter with the Library of Congress and the appropriate congressional committees, the Department of Defense respectively requests that the Committee Management Secretariat review and approve the charter (attached). The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

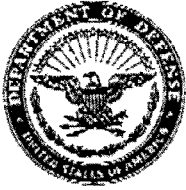
If you should have any questions about this charter, please contact me at 703-601-2554, extension 128.

A handwritten signature in black ink, appearing to read "James D. Freeman II". The signature is stylized with a large, looping "F" and a long horizontal stroke at the end.

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

2 Attachments
As stated

TAB 1



DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANAGEMENT SERVICE
1400 KEY BOULEVARD
ARLINGTON, VA 22209-5144

February 22, 2008

MEMORANDUM FOR MR. FRANK WILSON, COMMITTEE MANAGEMENT
OFFICER FOR THE DEPARTMENT OF DEFENSE

SUBJECT: Renewal of Charter for DoD Wage Committee (Your Tasking,
October 5, 2007)

The attached revised charter for the DoD Wage Committee is forwarded for
submission to the Deputy Director of Administration and Management.

It is in the interest of the Federal government to continue the DoD Wage
Committee in order to comply with the provisions of title 5, United States Code.

R. Craig Jerabek
Designated Federal Officer for the
Department of Defense Wage Committee

Attachment:
As stated

CHARTER
DEPARTMENT OF DEFENSE WAGE COMMITTEE

- A. Official Designation: The Committee shall be known as the Department of Defense Wage Committee (hereafter the Committee).
- B. Objectives and Scope of Activities: The Committee, under the provisions of the Federal Advisory Committee Act of 1972, as amended, Public Law 92-392, and the Office of Personnel Management Operating Manual, Federal Wage System, Appropriated and Nonappropriated Fund, shall provide the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, independent advice and recommendations on wage surveys and wage schedules of blue-collar employees within the Department of Defense. The Under Secretary of Defense for Personnel and Readiness or designee may act upon the Committee's advice and recommendations.
- C. Committee Membership: The Committee shall be composed of not more than seven members. Committee Members appointed by the Secretary of Defense, who are not Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Committee Members shall be appointed on an annual basis by the Secretary of Defense, and with the exception of travel and per diem for official travel, they shall serve without compensation.
- D. Committee Meetings: The Committee shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson. The estimated number of Committee meetings is fifty-two per year. The Committee shall be authorized to establish subcommittees, as necessary, to fulfill its mission. These subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, as amended. These meetings are closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) that the closing is necessary because matters considered relate to the internal personnel rules and practices of the Department of Defense (5 USC 552b[c][2]) and the wage survey data considered by the Committee in the development of FWS schedule recommendations have been obtained from private industry with the guarantee of confidentiality (5 USC 552b[c][4]).
- E. Duration of the Committee: The need for this advisory function is on a continuing basis. However, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense for Personnel and Readiness and the Defense Human Resources Activity, Civilian Personnel Management Service, Wage and Salary Division, shall provide administrative and support services as deemed necessary for the performance of

the Committee's functions, and shall ensure compliance with reporting requirements of 5 U.S.C. § 6 App2.

- G. Termination Date: The Committee shall terminate upon completion of its mission or two years from the date this Charter is filed, whichever is sooner, unless it is extended by the Secretary of Defense.
- H. Operating Costs: It is estimated that the total annual operating costs, to include staff salaries, travel costs and meeting and contract support is approximately \$32,263.00, that represents a one-third Full-Time Equivalent (FTE).
- I. Charter Filing Date:

DoD WAGE COMMITTEE RATIONALE

The DoD Wage Committee is accomplishing its mission in accordance with subparagraph 532.243, title 5, Code of Federal Regulations (CFR). In subparagraph 532.209, and Appendix A to subpart 532, title 5, CFR, Office of Personnel Management (OPM) designated DoD as the lead agency for all Federal Wage System (FWS) appropriated fund and nonappropriated fund wage areas. In accordance with subparagraph 532.227, title 5, CFR, as the lead agency DoD is required to establish an agency wage committee to consider matters relating to the conduct of wage surveys, the establishment of wage schedules and make recommendations to the lead agency. DoD submits to the DoD Wage Committee the data collected in the wage survey; the report and recommendations of the local wage survey committee concerning the use of data; the lead agency's analysis of the data; and the pay lines computed from the data. After considering the information submitted, the DoD Wage Committee recommends a proposed wage schedule derived from the data. These wage schedules are published for use by all federal agencies and are not for the sole use of the Department. If the DoD Wage Committee were discontinued, DoD would not be in compliance with title 5, CFR, Part 532.

(B) The Director of the Office of Management and Budget may approve a matching agreement notwithstanding the disapproval of a Data Integrity Board if the Director determines that—

(i) the matching program will be consistent with all applicable legal, regulatory, and policy requirements;

(ii) there is adequate evidence that the matching agreement will be cost-effective; and

(iii) the matching program is in the public interest.

(C) The decision of the Director to approve a matching agreement shall not take effect until 30 days after it is reported to committees described in subparagraph (A).

(D) If the Data Integrity Board and the Director of the Office of Management and Budget disapprove a matching program proposed by the Inspector General of an agency, the Inspector General may report the disapproval to the head of the agency and to the Congress.

(6) In the reports required by paragraph (3)(D), agency matching activities that are not matching programs may be reported on an aggregate basis, if and to the extent necessary to protect ongoing law enforcement or counterintelligence investigations.

(v) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—

The Director of the Office of Management and Budget shall—

(1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section; and

(2) provide continuing assistance to an oversight of the implementation of this section by agencies.

§ 552b. Open meetings.

(a) For purposes of this section—

(1) the term "agency" means any agency, as defined in section 552(c) of this title, headed by a collegial body composed of two or more individual members; a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

(2) the term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted by subsection (d) or (e); and

(3) the term "member" means an individual who belongs to a collegial body heading an agency.

(b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting, otherwise required by this section to be disclosed to the public, where the agency properly determines that such disclosure is in the public interest.

mines that such portion on portions of its meeting, on the disclosure of such information is likely to—

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relate solely to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would—

(A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in such currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution; or (B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action.

(d) Except that subparagraph (B) shall not apply to any instance where the agency has already disclosed to the public the content or nature of a proposed action, or where the agency is required by law to make such disclosure on the administrative record prior to taking final agency action, such proposal, and any

TAB 2

CHARTER
DEPARTMENT OF DEFENSE WAGE COMMITTEE

- A. Official Designation: The Committee shall be known as the Department of Defense Wage Committee (hereafter the Committee).
- B. Objectives and Scope of Activities: The Committee, under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C., Appendix, as amended), Public Law 92-392 and the Office of Personnel Management Operating Manual , Federal Wage System, Appropriated and Nonappropriated Fund, shall provide the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, independent advice and recommendations on wage surveys and wage schedules of blue-collar employees within the Department of Defense. The Under Secretary of Defense for Personnel and Readiness or designee may act upon the Committee's advice and recommendations.
- C. Committee Membership: The Committee shall be composed of not more than seven members. Committee Members appointed by the Secretary of Defense, who are not full-time federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Committee Members shall be appointed on an annual basis by the Secretary of Defense, and with the exception of travel and per diem for official travel, they shall serve without compensation.
- D. Committee Meetings: The Committee shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Committee meetings is fifty-two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or Alternate Designated Officer shall attend all committee and subcommittee meetings.

The Committee shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Committee nor can they report directly to the Department of Defense or any federal officers or employees who are not Committee members.

- E. Duration of the Committee: The need for this advisory function is on a continuing basis. however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense for Personnel and Readiness and the Defense Human Resources Activity, Civilian Personnel Management Service, Wage and Salary Division, shall provide support as deemed necessary for the performance of the Committee's functions, and shall ensure compliance requirements of 5 U.S.C. Appendix, as amended.

- G. Termination Date: The Committee shall terminate upon completion of its mission or two years from the date this Charter is filed, whichever is sooner or unless the Secretary of Defense extends it.
- H. Operating Costs: It is estimated that the total annual operating costs, to include travel costs and contract support, for this Committee is \$32,263.00. The estimated annual personnel costs to the Department of Defense are 0.3 full-time equivalents (FTEs).
- I. Recordkeeping: The records of the Committee and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- J. Charter Filing Date: